raise serious doubts as to the advisability of giving the passenger any other protection than a recovery for the carrier's original neglect of duty. See 2 WYMAN, PUBLIC SERVICE CORPORATIONS, § 889 *et seq.*; 16 HARV. L. REV. 139. But in any event the result in the principal case is unimpeachable. The resistance here was not to the enforcement of a regulation of the carrier, but to the collection of a fare in excess of that allowed by law. It is well settled that in such a case one may recover for being ejected. *Adams* v. *Union R. Co.*, 21 R. I. 134, 42 Atl. 515.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — RIGHT TO HEAR ADVERSE EVIDENCE IN HEARING BEFORE ADMINISTRATIVE BOARD. — On an appeal to the English Local Government Board, made under the Housing Acts (53 & 54 Vict., c. 70; 9 Edw. VII., c. 44), from a decision refusing to terminate a closing order against a tenement house, the appellant was heard but was refused access to certain adverse reports which the Board had as evidence against him. The Board was given authority to formulate rules of procedure. *Held*, that the appellant had a proper hearing. *Local Government Board* v. *Arlidge*, Weekly Notes, No. 30, p. 328 (House of Lords).

For a discussion of this most important decision and its bearing on the question of the procedure in hearings before administrative boards, see NOTES, p. 198.

DISCOVERY — PRIVILEGE — NOTES OF PREVIOUS LEGAL PROCEEDINGS MADE IN ANTICIPATION OF FUTURE LITIGATION. — In anticipation of further litigation, the defendant had had shorthand notes taken of the proceedings against him by the owner of the taxicab with which his automobile had collided. In an action against the same defendant arising out of the same collision, the plaintiff asks discovery and inspection of the notes in the possession of the defendant. *Held*, that discovery will be ordered. *Lambert* v. *Horne*, 111 L. T. R. 179 (C. A.).

This case is in accord with the great weight of English authority. *Rawstone* v. *Preston Corporation*, 30 Ch. D. 116; *In re Worswick*, 38 Ch. D. 370; *Nicholl* v. *Jones*, 2 H. & M. 588; *Ainsworth* v. *Wilding*, [1900] 2 Ch. D. 315. *Contra*, *Nordon* v. *Defries*, 8 Q. B. D. 508. There is no American authority directly in point, although shorthand notes of proceedings before the grand jury have been held privileged, on the ground that such proceedings are not *publici juris*. *State* v. *Rhoads*, 81 Oh. St. 397, 91 N. E. 186. It is true that the privilege protecting communications between attorney and client covers material collected for submission to a solicitor or information obtained by the solicitor for the purposes of litigation. *Southwark & Vauxhall Water Co.* v. *Quick*, 3 Q. B. D. 315; *Lyell* v. *Kennedy*, 27 Ch. D. 1. But proceedings in open court are in no way privileged or confidential. *In re Worswick*, *supra*; *People* v. *Petersen*, 60 N. Y. App. Div. 118. And since the words themselves are not privileged, the principal case properly orders discovery of a physical reproduction of them, which involved no peculiar skill or knowledge. For the law cannot deal justly between the parties if either has an unfair advantage, and so long as no hard and fast rule of privilege stands in the way, the court should require any disclosures necessary to aid in reaching an equitable result.

DOMICILE — HUSBAND AND WIFE: POSSIBILITY OF SEPARATE DOMICILE. — A wife lived in New York for twenty-six years apart from her husband, who lived outside the state. She had made no attempt to obtain a decree of separation, nor were grounds therefor shown. *Held*, that she had acquired a domicile in New York. *In re Crosby's Estate*, 85 Misc. (N. Y.) 679 (Surr. Ct., N. Y. County).

For a discussion of the wife's rights to acquire a domicile apart from her husband without showing cause for divorce, see this issue of the REVIEW, p. 196.

EMINENT DOMAIN — FOR WHAT PURPOSES PROPERTY MAY BE TAKEN — LAND CONDEMNED BY RAILROAD USED FOR PRIVATE WAREHOUSE. — A railroad condemned for its right of way land owned in fee by the plaintiff. Subsequently the railroad leased the land for private warehouse purposes to the defendant, who agreed to prefer the railroad in routing freight. The plaintiff now seeks to recover possession. *Held*, that he cannot recover. *Coit* v. *Owenby-Wofford Co.*, 81 S. E. 1067 (N. C.).

The principal case takes the ground that, while the land was used directly for a private business, the chief purpose was to afford facilities for the lessee, as a patron of the road, in the storage, receipt, and shipment of freight. If the lessee was one of the largest shippers at that point, and the erection of the warehouse would greatly relieve the facilities for general freight, the lease of railroad land with that end in view would be strictly parallel to the construction of a spur track which reaches only a single large shipper, but improves traffic conditions in general by affording increased trackage facilities and relieving congestion at the point. *Hairston* v. *Danville & Western Ry. Co.*, 208 U. S. 598. Such a warehouse, again by analogy to the spur track, would be under obligation to serve the general public in case demand were made. See *Union Lime Co.* v. *Chicago & N. W. Ry. Co.*, 233 U. S. 211, 220. Unless these facts are assumed as the basis of the present decision, the result must be regarded as wrong. For an ordinary private warehouse, which bears no relation to the transportation facilities of the railroad, is undoubtedly an improper user. *Proprietors of Locks and Canals on Merrimack River* v. *Nashua & Lowell R. Co.*, 104 Mass. 1. A public warehouse, on the other hand, would unquestionably have been a public purpose. *Gurney* v. *Minneapolis Union Elevator Co.*, 63 Minn. 70, 65 N. W. 136.

EXECUTORS AND ADMINISTRATORS — TITLE — EFFECT OF REVOCATION OF ADMINISTRATION UPON *BONÂ FIDE* PURCHASER'S TITLE TO ASSETS. — An administrator sold assets to the defendant, a *bonâ fide* purchaser. Thereafter a will was discovered, which appointed the plaintiff executor. He probated the will, had the administration revoked, and now sues the defendant to recover the property. *Held*, that he may not recover. *Hewson* v. *Shelley*, [1914] 2 Ch. 13 (C. A.).

The grant of probate or administration by a court of competent jurisdiction is a judicial act which, until revoked, is conclusive of the rights determined. *Prosser* v. *Wagner*, 1 C. B. N. S. 289; *In re Ivory*, 10 Ch. D. 372. Consequently, payment of a debt to a regularly appointed executor or administrator is a good discharge, although the probate or grant is afterwards revoked. *Allen* v. *Dundas*, 3 T. R. 125. In spite of this principle, the earlier English authorities held that a title acquired under a grant of administration was void against the executor of a subsequently discovered will. The theory was that on the death of the testator title had vested in the executor by force of the will, and that, therefore, the grant of administration conferred no title upon the administrator. *Graysbrook* v. *Fox*, 1 Plowd. 275; *Ellis* v. *Ellis*, [1905] 1 Ch. 613. But American courts have never recognized this exceptional doctrine. *Kittredge* v. *Folsom*, 8 N. H. 98. See *Monroe* v. *James*, 4 Munf. (Va.) 194, 196. If the purchaser's title were thus liable to be adjudged worthless, the effective administration of estates would be impeded and respect for judicial acts considerably impaired. It is well, therefore, that the technical English doctrine, born of a time when the ecclesiastical courts were held in jealous disfavor, has been definitely repudiated by the principal case.